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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,731	05/20/2004	Scott A. Mollema	AM1133.2.C1	7341
24123	7590	08/30/2005	EXAMINER	
ALTICOR INC. 7575 FULTON STREET EAST MAILCODE 78-2G ADA, MI 49355			VO, TUYET THI	
			ART UNIT	PAPER NUMBER
			2821	

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/849,731

Applicant(s)

MOLLEMA ET AL.

Examiner

Tuyet Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9-11 is/are rejected.
- 7) ☒ Claim(s) 5-8 and 12-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/27/05 & 5/20/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Fallier, Jr. et al. (US Pat. 4,328,446), hereinafter Fallier.

Like claim invention, Fallier discloses a starter assembly for a gas discharge lamp, comprising:

at least one switch (28, 60) located in the gas discharge lamp; and

an igniter (16) operable for actuating the switch (28, 60), wherein the igniter (16) actuates the switch for a predetermined length of time (col. 3, lines 13-58).

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fallier in view of Jurek (US Pat. 5,945,786).

Regarding claim 9, Fallier discloses a starter assembly for a gas discharge lamp, comprising:

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at least one switch (28, 60) located in the gas discharge lamp; and  
an igniter (16) operable for actuating the switch (28, 60), wherein the igniter (16) actuates the switch for a predetermined length of time (col. 3, lines 13-58).

However, Fallier does not disclose a magnetic switch as claim invention.

Jurek discloses an igniter assembly for a discharge lamp comprising an electromagnet (34), a magnetic switch (56) being actuated by a control circuit (42, 50).

It would have been an obvious matter of design choice to utilize a magnetic switch as taught by Jurek into the Fallier igniting assembly in order to extend the controllability toward switch behavior in a different manner for handling a variety of desired load levels. Such implementation is considered as a routine skill in the art.

Regarding claims 2-4, 10 and 11, Fallier in view of Jurek discloses substantially the claim invention and Jurek further teaches a control unit (42, 50) is comprised of an electromagnet (54) operable to close a magnetic switch (56) for a predetermined of time (col. 6, lines 23-27), wherein the magnetic switch (56) is connected in series between two electrodes of the gas discharge lamp (12).

5. Claims 1-4 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murayama et al. (US Pat. 4,587,460), hereinafter Murayama in view of Yoshida et al. (US Pat. 6,563,268), hereinafter Yoshida.

Murayama discloses an starter/igniting circuit for a gas discharge lamp comprising:

a control unit (1-5) is comprised of an electromagnet operable to close a magnetic switch (4) for a predetermined of time (col. 3, lines 28-30), wherein the magnetic switch (4) is connected in series between two electrodes of the gas discharge lamp (6).

However, Murayama does not disclose the magnetic switch located inside of the gas discharge lamp.

Yoshida discloses a starting circuit for a gas discharge lamp (Fig. 2) comprising a switch (19) resides within the gas discharge lamp (Fig. 1).

It would have obvious to one having ordinary skill in the art at the time the invention was made to utilize the switch located inside the lamp as taught by Yoshida

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into the Murayama lighting system in order to achieve the lamp in compact shape as desired.

***Allowable Subject Matter***

6. Claims 5-8 and 12-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: the prior fails to comprise a programmable control unit to receive/program a first preheat time for the discharge lamp as required in claims 5, 12 and 16. The prior art also fails to include at least one radio frequency identification transponder in order to radio communication with a base station which connects to the lamp control unit as required in claim 18.

***Citation of pertinent prior art***

8. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

Luijks et al. (US Pat. 6,661,177) discloses high pressure discharge lamp with ignition circuit including halogen incandescent lamp.

Allaire (US Pat. 5,164,636) discloses actuator for flashing light.

Retzer (US Pat. 2,916,671) discloses starting and operating circuit.

***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyet Vo whose telephone number is 571 272 1830. The examiner can normally be reached on Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571 272 1834. The fax phone numbers for the organization where this application or proceeding is assigned are 571 273 8300 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571 272 2800.

Information regarding the status of an application or status information for publicizing/unpublicizing applications may be obtained from the Patent Application Information Retrieval (PAIR) system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the PAIR system, contact the Electronic Business Center (EBC) at toll free 866-217-9197.

A handwritten signature in black ink, appearing to read 'Tuyet Vo', is written over a horizontal line.

Tuyet Vo

Primary Examiner

August 22, 2005